IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.8577 of 2006

Neelam Sharma .. Petitioner
vs
Janakalyan Sahakari Bank Ltd .. Respondents.

Mr. R.S.Apte with Mr.Mandar Limaye for the petitioner**.**

Mr. Birendra Saraf with V. Deshpande & co for respondents

CORAM: H. L. GOKHALE Acg. C.J. ,&
V.M.KANADE, J.
DATE: February 13, 2007.

P.C.:-

Heard Mr. Apte, learned counsel appearing for the petitioner and Mr. Saraf for the respondent bank. Mr. Apte states that although this petition is filed, now on instructions he stated that the petitioner will pay the necessary court fee in the appeal filed before the DRT without prejudice to their contentions which are raised here and those to be raised in the appropriate forum later. He seeks 8 weeks time to pay the court fee. Mr. Saraf for the respondent bank leaves it to the court, provided symbolic possession of the flat is handed over to the bank. Accordingly we grant 8 weeks time to the petitioner for making payment of court fee and on payment of the same the DRT may accept the appeal. The petitioner may move the

tribunal for interim reliefs. The respondent bank may take symbolic possession of the flat by executing the necessary documents and the bank will not take physical possession for a period of 8 weeks.

Petition stands disposed of accordingly.

CHIEF JUSTICE

V.M.KANADE J.